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SALCE, JASON P

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 09/823,617	<b>Applicant(s)</b> THOMAS ET AL.	
	<b>Examiner</b> Jason P. Salce	<b>Art Unit</b> 2421	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 14 July 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-5,7,9-14,18-32,34,36-42,47-63,65-90,92-109 and 124-129 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5,7,9-14,18-32,34,36-42,47-63,65-90,92-109 and 124-129 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### *Response to Arguments*

Applicant's arguments filed 7/14/2008 have been fully considered but they are not persuasive. The examiner further notes that in view of the teachings of Armstrong, the examiner has changed the grounds of rejection for claims 57, 81 and all corresponding dependent claims.

**A. Inoue and Lortz fail to disclose a local pause-time content database with a plurality of pause-time content**

Applicant argues that the sections cited (**in Inoue and Lortz**) by the Examiner do not provide any form of storage on user equipment that stores a plurality of pause-time content.

The Examiner disagrees and notes that as stated in the previous Office Action, Inoue alone does not teach a "plurality" of pause-time content, however, Inoue does teach retrieving and displaying pause-time content that is stored and accessed locally on the user's television equipment.

In regards to Column 6, Line 20-33, Applicant states that Inoue merely discloses that during a pause, a video program may be recorded onto hard disk 15 and that the video program being recorded "may continue to be displayed". However, Applicant has ignored the other two passages where Inoue teaches that during a pause "another

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program may be received and displayed, or a pause graphics screen may be generated by the microcomputer and displayed".

In regards to the first passage of Inoue where another program may be received and displayed, the examiner notes that this passage of Inoue teaches the use of pause-time content, but does not state if the pause-time content is from local storage. After further inspection of Inoue's specification, other programs that are displayed during a pause are short segments of the program immediately preceding the point at which the pause was requested (**see Column 7, Lines 49-60**), therefore teaching that pause-time content is stored locally (**the buffered short segment described at Column 7, Lines 49-60**).

In regards to the second passage of Inoue where a pause graphics screen may be generated by the microcomputer and displayed during a pause operation, the examiner notes that this passage of Inoue teaches local storage of pause-time content that is accessed upon initiation of a pause command. The examiner notes that if a pause command is received, the microprocessor would have to access a program, script, code or some other form data that allows the microprocessor to display such a graphic and since the claims broadly claim the limitation "pause-time content" then clearly any form of data that is accessed locally by a microprocessor in the client device can be interpreted as pause-time content that is stored locally on user equipment. Therefore, based on these two cited passages of Inoue found in addition to the passage cited by Applicant, Inoue clearly teaches pause-time content that is stored locally.

However, as stated by the Examiner in the previous Office Action, although Inoue teaches the display of pause-time content during a pause, wherein the pause-time content is stored locally, Inoue fails to teach storing a plurality of pause-time content to select from when a pause command is initiated. Therefore, the Examiner had applied the Lortz reference, which teaches pause-time content in the form of URLs are stored in the user's client device (**see Column 3, Lines 32-47 for receiving URLs prior to system operation and storing the URLs in the storage device of the set top box**) and accessed after a pause command is initiated (**see Column 3, Lines 48-59**).

Applicant further argues that Lortz fails to disclose that pause-time content is web content because Lortz only teaches storing URLs, which are used to access web content stored at a remote server and are not themselves displayed to a user while media is paused.

The Examiner disagrees and notes the claim limitations are broad and only recite determining which of the plurality of pause-time content stored in the storage to play while the media is paused. The Examiner further notes that the claim limitation "play" is broad and does not exclude accessing a URL from local storage, accessing the web server to retrieve the web content and displaying the web content on the user's device because this is how a URL is "played". Applicant's specification even supports this interpretation in Paragraphs 0047, 0053 and 0057, where URLs are also stored and Web sites are displayed to the user during a pause operation. Note that Applicant's specification contains no restriction where the system must pre-store an entire Web Site and playing that Web Site directly from local storage. Therefore, Lortz clearly teaches

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storing a plurality of pause-time content (**URLs**) in local storage that is played upon a pause operation by the viewer.

In regards to Applicant's arguments that Lortz does not disclose that streaming audio or streaming video is stored locally, the examiner agrees. However, as noted above, the examiner believes that Lortz still reads on storing pause-time content (URLs) locally on the user's equipment and playing the pause-time content during a pause operation.

**B. Inoue and Lortz fail to disclose automatically determining, local to the user, which of the plurality of pause-time content to display**

Applicant argues that Inoue fails to teach determining which of a plurality of pause-time content to display because Inoue merely describes different content that is displayed in alternate embodiments of the Inoue system and fails to teach a plurality of pause-time content to choose from.

As stated above, Inoue fails to teach a plurality of pause-time content. The Examiner agrees that Inoue teaches using pause-time content in different embodiments and therefore cannot teach a plurality of locally stored pause-time content. However, Inoue does teach storing pause-time content locally, as discussed in the Examiner's rebuttal above, therefore Inoue clearly discloses determining "which" of the pause-time content to display by the microprocessor, otherwise, no display of any pause-time content could occur. As also stated above in the Examiner's rebuttal, Lortz is used to

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teach determining "which" of a plurality of locally stored pause-time content (**the plurality of URL's stored by the client device**) to display to the viewer when a pause command is requested by the viewer. As stated above, Lortz discloses storing a plurality of URLs that are played during a pause operation, and Lortz further teaches determining "which" of the plurality of URLs stored to display during a pause operation (**see Column 3, Lines 59-61 of Lortz**). The Examiner further notes that the claim limitation "which" is broad and does not positively recite a specific method of determining "which" pause-time content to display, as opposed to claim 57 (**determining pause-time content based on a user interests**), therefore the retrieval of a URL from a plurality URLs stored by the storage device of the set-top box (**as taught by Lortz**) can be interpreted as determining which of the plurality of pause-time content stored in the storage, as claimed.

**C. One of ordinary skill in the art would not combine Inoue and Lortz in the manner suggested by the Examiner**

Applicant argues that one of ordinary skill would not combine Inoue and Lortz because by modifying Inoue using the embedded URLs of Lortz, one of ordinary skill would simply create a system in which web content stored in a remote web server (and obtained using the embedded URLs) is used as the content display during a pause.

The Examiner disagrees and notes the claim limitations are broad and only recite determining which of the plurality of pause-time content stored in the storage to play

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while the media is paused. The Examiner further notes that the claim limitation "play" is broad and does not exclude accessing a URL (**pause-time content**) from local storage, accessing the web server to retrieve the web content and displaying the web content on the user's device because this is how a URL is "played". Applicant's specification even supports this interpretation in Paragraphs 0047, 0053 and 0057, where URLs are also stored and Web sites are displayed to the user during a pause operation. Note that Applicant's specification contains no restriction where the system must pre-store an entire Web Site and playing a Web Site directly from local storage. Therefore, Lortz clearly teaches storing a plurality of pause-time content (**URLs**) in local storage that is played upon a pause operation by the viewer. Therefore, modifying Inoue with the features of Lortz would clearly be obvious to one of ordinary skill in the art because instead of Inoue displaying a graphic (with a limited amount of information), the user could then apply the teachings of Lortz to display multiple web contents, which provides more detailed information to the viewer.

#### IV. **Applicant's Reply to the Rejections of Claims 57 and 81**

Applicant argues that Armstrong fails to show that the targeted pause-time content is determined local to the user. As stated in the Examiner's rebuttal above, the combination of Inoue and Lortz teaches these limitations.

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections



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are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986)

However, the Examiner notes that Armstrong does teach that the targeted pause-time content is determined and stored local to the user (**see Column 13, Lines 24-35**).

### ***Election/Restrictions***

This application contains claims 110-123 drawn to a previously nonelected invention. A complete reply to the final rejection must include cancellation of nonelected claims or other appropriate action (37 CFR 1.144) See MPEP § 821.01. The examiner notes that the restriction requirement is herein made FINAL.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-5, 10-11, 13-14, 18-19, 23-24, 26-32, 37-38, 40-42, 48-49, 53-54 and 56 are rejected under 35 U.S.C. 103(a) as being unpatentable over Inoue et al. (U.S. Patent No. 5,884,141) in view of Lortz (U.S. Patent No. 6,349,410).

Referring to claim 1, Inoue discloses a method for using an interactive media application (**see Column 5, Lines 7-19 for a microprocessor 109 that controls the system in Figure 1, which inherently contains program code to perform such operations (i.e. the interactive media application))** implemented at least partially on user equipment (**see Column 3, Lines 52-65**) to substitute pause-time content in place of media that is paused (**see Column 6, Lines 30-33 for substituting pause-time content in place of the media that is paused**).

Inoue also discloses storing pause-time content in storage on the user equipment local to a user (**see Column 6, Lines 20-33 for pausing the media and generating a graphic by the microprocessor and displaying the graphic during the pause action, therefore the code or data that allows the microprocessor to display a graphic is inherently stored locally, otherwise there would be no graphic to display**). *Further note the arguments above for additional teachings (pre-storage) of how Inoue stores pause-time content locally.*

Inoue also discloses providing the user with the ability to pause the media and pausing the media (**see Column 6, Lines 21-23 for pausing the television program**).

Inoue also discloses local to the user, automatically determining which of the pause-time content in the storage to play while the media is paused (**see Column 6, Lines 30-33 for displaying various types of pause-time content while the media is paused**). *The examiner further notes that the microprocessor inherently determines which pause-time content (graphic) to determine, otherwise, no display could take place.*

Inoue also discloses automatically (see Column 6, Lines 25-30 for the **microprocessor 109 automatically performing the operations**) retrieving the determined pause-time content from the storage on the user-equipment (see Column 9, Lines 34-39 and Column 6, Lines 30-33 for the **microprocessor inherently retrieving the code or data needed to display the graphic**).

Inoue also discloses (see Column 6, Lines 25-30 for the **microprocessor 109 automatically performing the operations**) playing the automatically retrieved pause-time content while the media is paused (see Column 6, Lines 30-33 for **displaying different pause-time content when the media is paused**). *Further note the arguments above for additional teachings (pre-storage) of how Inoue stores pause-time content locally.*

Inoue also discloses recording the media while the media is paused (see Column 6, Lines 25-30 for **recording the media while the media is paused**).

Although Inoue discloses that a pause-time content storage is local to the user (see above), Inoue is silent as to the pause-time content database containing a plurality of pause-time content.

Lortz discloses a system that also displays pause-time content in the form of a plurality of URLs that are stored locally by a set top box device (see Column 3, Lines 43-65). Lortz further discloses that when a pause occurs, the pause-time content is displayed until the viewer resumes viewing of a television program (see Column 3, Line 54 through Column 4, Line 16).

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At the time the invention was made, it would have been obvious to a person of ordinary skill in the art, to modify the broadcasted media programs, as taught by Inoue, using the embedded URLs (**stored in a pause-time content database**) displayed when a TV broadcast program is paused, as taught by Lortz, for the purpose of coordinating the display of an incoming signal stream on a display with web browsing (**see Column 2, Lines 13-15 of Lortz**).

Referring to claims 2-3, Inoue discloses that the media is real-time media, which is near video-on-demand media (**see Column 3, Lines 53-54 and Column 5, Lines 30-34 for the media being near video-on-demand media, which is real-time media**).

Referring to claim 4, Inoue discloses providing the user with the ability to resume play of the paused media (**see Column 6, Lines 38-40 for resuming play of paused media**).

Referring to claim 5, Inoue discloses resuming play of the media at substantially the same point at which the media was paused (**see Column 7, Lines 49-52 for resuming play of a video program substantially before the point at which the pause was requested**).

Referring to claim 10, Inoue discloses that the pause-time content is associated with the media that is paused (**see the rejection of claim 8, for displaying the**

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**program, while recording the media during a pause and further note that the graphic generated by the microprocessor is a result of pausing the media, therefore the pause-time content (*graphic*) is associated with the media being pause because the graphic will only be generated in response to the media being paused). *Further note that the URLs that are played are associated with the TV program being viewed (see Column 6, Lines 13-15).***

Referring to claim 11, Inoue discloses that the media is a television program (see Column 3, Lines 66-67 and Column 4, Lines 1-7 for the signal that is received, paused and recorded (see rejection of claim 1) is a television signal) and the pause-time content is associated with the television program (see again the rejection of claim 10).

Referring to claim 13, Lortz discloses that the media (TV broadcast program) has associated media data (see Column 3, Lines 32-39 for inserting URLs that link web content to broadcast TV content (and is therefore associated) into the VBI of a television signal), and that the interactive media application uses the content of the media data to substitute pause-time content that is associated with the media (see Column 3, Lines 54-65 for pausing a TV broadcast program and displaying web content while the TV broadcast program is paused, therefore substituting pause-time content that is associated with the media).

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Referring to claim 14, Inoue discloses that the pause-time content is a graphic **(see Column 6, Lines 32-33)**.

Referring to claim 18, Inoue discloses that the interactive media application is implemented on a person video recorder **(see Column 5, Lines 7-19 for a microprocessor 109 that controls the system in Figure 1, which inherently contains program code to perform such operations (i.e. the interactive media application) and that the system in Figure 1 also contains circuitry to record video programs (see Column 3, Lines 60-65))**. *Therefore, the system in Figure 1 is a personal video recorder.*

Referring to claim 19, Inoue discloses that the interactive media application is implemented on a person video recorder **(see the rejection of claim 18)**, and records the media with the person video recorder **(see again Column 3, Lines 60-65 for recording video programs using the system in Figure 1)**.

Referring to claim 23, Lortz teaches using a forward and backward button to change pause-time content that is playing while a TV broadcast program is paused and recorded **(see Column 4, Lines 1-11)**.

Claim 24 corresponds to claim 23, where Lortz further discloses that the pause-time content is a Web site **(see Column 4, Lines 1-11)**.

Referring to claim 26, Lortz further teaches using a forward and backward button to change pause-time content that is playing while a TV broadcast program is paused and recorded (**see Column 4, Lines 1-11**).

Referring to claim 27, see the rejection of claim 1. Note Figure 1 for the user equipment.

Referring to claim 28, Inoue discloses that the user equipment receives the media (**see Column 3, Lines 66-67 and Column 4, Lines 1-7**).

Referring to claims 29-32 and 37-38, see the rejection of claims 2-5, 8 and 10-11, respectively.

Referring to claim 40, see the rejection of claim 13.

Claim 41 corresponds to claim 40, where Lortz further teaches that the media data (**URL/web data**) is received at the user equipment along with the media (**see Column 3, Lines 32-39**).

Claim 42 corresponds to claim 40, where Lortz teaches that the pause-time content is a Web-site (**see Column 4, Lines 1-11**).

Referring to claim 48, Inoue discloses that the user equipment is user television equipment (**see Column 3, Lines 66-67 and Column 4, Lines 1-7**).

Referring to claim 49, see the rejection of claim 18.

Referring to claims 53-54, see the rejection of claims 23-24, respectively.

Referring to claim 56, see the rejection of claim 26.

Claims 7, 9, 34 and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Inoue et al. (U.S. Patent No. 5,884,141) in view of Lortz (U.S. Patent No. 6,349,410) in further view of Ismail et al. (U.S. Patent No. 6,614,987).

Referring to claims 7 and 9, Inoue and Lortz disclose providing the user with the ability to resume play of the paused media (**see Column 6, Lines 38-40 of Inoue**), but fail to teach providing the user with the ability to fast-forward and rewind the media.

Ismail discloses a similar system to Inoue for pausing and resuming a media (**see Column 13, Lines 51-67 and Column 14, Lines 1-7**), and also discloses providing the user with the ability to fast-forward and rewind the media (**see Column 14, Lines 8-11**).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art, to modify the receiver (**Figure 1**), as taught by Inoue and Lortz,



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using the fast-forward and rewind functionality, as taught by Ismail, for the purpose of providing an easy to use interface (**see Column 2, Lines 39-42 of Ismail**).

Referring to claims 34 and 36, see the rejection of claims 7 and 9, respectively.

Claims 12, 39 and 47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Inoue et al. (U.S. Patent No. 5,884,141) in view of Lortz (U.S. Patent No. 6,349,410) in further view of Baker et al. (U.S. Patent No. 5,583,561).

Referring to claim 12, Inoue and Lortz disclose that the media and the pause-time content is associated with a television program (**see again Column 3, Lines 66-67 and Column 4, Lines 1-7 of Inoue**), but fail to teach that the content can be a music program.

Baker discloses a system similar to Inoue for pausing, resuming and recording programs (**see Column 14, Lines 39-67 and Column 15, Lines 1-10**), and also teaches that the content can be a music program (**see Column 6, Lines 23-24 for programs being a music videos**).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art, to modify the video programs, as taught by Inoue and Lortz, using music video programs, as taught by Baker, for the purpose of supporting a larger number of programs from a single system (**see Column 11, Lines 54-57 of Baker**) so that the viewer has a wider variety of programming available.

Referring to claim 39, see the rejection of claim 12.

Referring to claim 47, see the rejection of claim 12 and note that if a music program is received, then the user equipment is inherently music equipment because the user equipment can play music programs.

Claims 20-21 and 50-51 are rejected under 35 U.S.C. 103(a) as being unpatentable over Inoue et al. (U.S. Patent No. 5,884,141) in view of Lortz (U.S. Patent No. 6,349,410) in further view of Banker et al. (U.S. Patent No. 5,357,276).

Referring to claim 20, Inoue and Lortz disclose that the media is real-time media **(see Column 3, Lines 53-54 and Column 5, Lines 30-34 of Inoue for the media being near video-on-demand media, which is real-time media)**, but fail to teach displaying the amount of time that has lapsed between the paused media and the real-time media.

Banker discloses a pause window in Figures 7B and 8, which displays the time that has lapsed between the paused media and the real-time media **(see “Press (SELECT) To Restart Now And Miss 4:15”, which is how much time has been missed since the pause has taken place, which is the time that has lapsed between the paused media and the real-time media (also note Column 12, Lines 33-38))**.

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify display screen after a pause command has been

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issued, as taught by Inoue and Lortz, using the display timer, as taught by Banker, for the purpose of visually informing how much time will be missed if the program is restarted before the pause is completed (**see Column 12, Lines 37-38 of Banker**).

Referring to claim 21, Inoue discloses that the interactive media application is implemented on user equipment (**see Column 5, Lines 7-19 for a microprocessor 109 that controls the system in Figure 1, which inherently contains program code to perform such operations (i.e. the interactive media application)**), and that the media is television programming that is being delivered to the user television equipment in real-time (**see Column 3, Lines 53-54 and Column 5, Lines 30-34 for the media being delivered to the user television equipment (Figure 1) is near video-on-demand media, which is real-time media**). However, Inoue and Lortz fail to teach displaying the amount of time that has lapsed between the paused television programming and the real-time television programming in an overlay.

Banker discloses a pause window in Figures 7B and 8, which displays the time that has lapsed between the paused media and the real-time media (**see “Press (SELECT) To Restart Now And Miss 4:15”, which is how much time has been missed since the pause has taken place, which is the time that has lapsed between the paused media and the real-time media (also note Column 12, Lines 33-38)**). Banker also discloses that in response to a pause command, that the screen is overlaid on top of the video screen (**see Column 2, Lines 61-65 and Column 6, Lines**

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**16-18 for the circuitry used to overlay graphic and character screens on top of the incoming video signal).**

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify display screen after a pause command has been issued, as taught by Inoue and Lortz, using the overlaid display timer, as taught by Banker, for the purpose of visually informing how much time will be missed if the program is restarted before the pause is completed (**see Column 12, Lines 37-38 of Banker**) so that the viewer can determine if she/he wishes to wait until the program will continue being broadcasted.

Referring to claim 50, see the rejection of claim 20, and note that Inoue also teaches receiving the media in real-time and playing the media in real-time (see the rejection of claims 1-2 for these limitations being taught by Inoue).

Referring to claim 51, see the rejection of claim 21.

Claims 22, 25, 52, 55 and 124-127 are rejected under 35 U.S.C. 103(a) as being unpatentable over Inoue et al. (U.S. Patent No. 5,884,141) in view of Lortz (U.S. Patent No. 6,349,410) in further view of Armstrong et al. (U.S. Patent No. 7,017,173).

Referring to claim 22, Inoue discloses pausing a program and recording the program while being paused (**see Column 6, Lines 22-30**). Inoue also discloses displaying pause-time content, by continuing to display the program while it is being

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paused and recorded or displaying another program that is received and displayed (**see Column 6, Lines 30-32 of Inoue**). However, Inoue and Lortz fail to disclose that the user personalizes the programs that can be paused and displayed as pause-time content.

Armstrong discloses determining targeted pause-time content to display while the media is paused based on monitoring user activity, wherein determining pause-time content comprises determining pause-time content based on the monitored user activity (**see Column 5, Lines 33-61 and Column 13, Lines 24-35**).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art, to modify the pause-time content display system, as taught by Inoue and Lortz, to utilize the targeted pause-time content feature, as taught by Armstrong, for the purpose of providing demographically appropriate advertisement content (**see Column 5, Lines 26-32 of Armstrong**).

Referring to claim 25, see the rejection of claim 22, and note that if only certain programs are filtered out by the use of a user's viewing habits, then the user inherently prevents particular types of pause-time content to be presented by the interactive media application, because only a redacted collection is being presented to the user, which discards/prevents programming that is not of interest to the user.

Referring to claims 52 and 55, see the rejection of claims 22 and 25, respectively.

Referring to claim 124, Inoue and Lortz discloses all of the limitations of claim 1, but fail to teach monitoring user activity, wherein determining pause-time content comprises determining pause-time content based on the monitored user activity.

Armstrong discloses monitoring user activity, wherein automatically determining which of the plurality of pause-time content comprises automatically determining which of the plurality of pause-time content based on the monitored user activity (**see Column 5, Lines 33-61 and Column 13, Lines 24-35**).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art, to modify the pause-time content display system, as taught by Inoue and Lortz, to utilize the targeted pause-time content feature, as taught by Armstrong, for the purpose of providing demographically appropriate advertisement content (**see Column 5, Lines 26-32 of Armstrong**).

Referring to claim 125, Inoue and Lortz disclose all of the limitation of claim 11, but fail to disclose the claim limitations of claim 125.

Armstrong discloses accessing a database comprising channel information for available channels to identify the channel information for the particular channel (**see Column 9, Lines 33-61 and Column 9, Lines 27-67 and Figure 4 for accessing a database of information representing the items in a scene of a television program**).

Armstrong also discloses determining a genre associated with the television program from the channel information for the particular channel (**see Column 9, Lines 33-61 and Column 9, Lines 27-67 and Figure 4 for determining what types of items of a particular genre (*type of clothing, automobile or vacation spot*) to display when a scene in a television program has been paused**).

Armstrong also discloses automatically determining which of the plurality of pause-time content associated with the determined information (**see Column 4, Line 29 through Column 5, Line 25 for displaying the scene related advertisements based on the determination made above**).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art, to modify the pause-time content display system, as taught by Inoue and Lortz, to utilize the targeted pause-time content feature, as taught by Armstrong, for the purpose of providing specific targeted advertisement based on the movie or television program the viewer is currently watching (**see Column 2, Lines 1-7 of Armstrong**).

Referring to claim 126, see the rejection of claim 124.

Referring to claim 127, see the rejection of claim 125.

Claims 57-63, 65-74, 76-90, 92-103, 105-109 and 128-129 are rejected under 35 U.S.C. 103(a) as being unpatentable over Inoue et al. (U.S. Patent No. 5,884,141) in view of Armstrong et al. (U.S. Patent No. 7,017,173).

Referring to claim 57, Inoue discloses an interactive media application to substitute pause-time content in place of media that is paused (**see Column 6, Lines 30-33 for substituting pause-time content in place of the media that is paused**), wherein the pause-time content is other than the paused media (**see Column 6, Lines 30-33 for substituting pause-time content being either another received program or a graphics screen**).

Inoue also discloses providing a user with the ability to pause the media and pausing the media at any time while the media is playing (**see Column 6, Lines 30-33 for pausing a video program**).

Inoue also discloses playing the pause-time content by substituting the pause-time content in place of the media whenever the media is paused (**see Column 6, Lines 30-33 for substituting pause-time content in place of the media that is paused**).

Inoue fails to teach determining targeted pause-time content to display while the media is paused based on monitoring user activity, wherein determining pause-time content comprises determining pause-time content based on the monitored user activity.

Armstrong discloses that local to the user (**see Column 13, Lines 24-35 as noted in the Examiner's rebuttal above**), determining targeted pause-time content to



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play while the media is paused based on monitoring user activity, wherein determining pause-time content comprises determining pause-time content based on the monitored user activity (**see Column 5, Lines 33-61 and Column 13, Lines 24-35**).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art, to modify the pause-time content display system, as taught by Inoue and Lortz, to utilize the targeted pause-time content feature, as taught by Armstrong, for the purpose of providing demographically appropriate advertisement content (**see Column 5, Lines 26-32 of Armstrong**).

Referring to claim 58, Armstrong discloses that the media is previously recorded (**see Column 4, Lines 9-14 for the video server 122 storing recorded content streams**).

Referring to claim 59, Armstrong discloses that the interactive media application is implemented on user equipment (**see Figure 4 and Column 9, Line 27 through Column 10, Line 35 for the user equipment presenting the user interface/interactive media application to the viewer**) and wherein the media is video-on-demand media that is stored remote from the user equipment (**see Column 7, Lines 24-33**).

Referring to claim 60, see the rejection of claims 1 and 57.

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Referring to claim 61, see the rejection of claims 58 and 59 and further note that Armstrong discloses allowing the interactive media application to access the pause-time content on-demand (**see Column 8, Line 1-20 for selecting advertisement data/pause-time content and retrieving the advertisement content on-demand**).

Referring to claims 62-63, see the rejection of claims 4-5.

Referring to claim 65, Armstrong discloses providing the user with the ability to rewind and fast-forward the media (**see Column 3, Lines 19-56**).

Referring to claim 66, Armstrong discloses that the media has associated media data and wherein the interactive media application uses the content of the media data to substitute pause-time content that is associated with the media (**see Column 5, Lines 7-61 for using associated data with the media (*demographic information and content-related information*) to determine the type of pause-time content to display during a pause command (Column 5, Line 62 through Column 6, Line 14)**).

Referring to claim 67, see the rejection of claim 14.

Referring to claim 68, Inoue discloses that the pause-time content is broadcast video (**see Column 6, Lines 30-33 and further note the Examiner's rebuttal above**

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**for pre-storing broadcast program segments to display before a resume command is issued by the user).**

Referring to claim 69, see the rejection of claim 11.

Referring to claim 70, Armstrong discloses that the media is a music program and wherein the pause-time content is associated with the music program (**see Column 7, Lines 24-28 for the video server providing music videos to the viewer and Column 13, Lines 29-32 for providing pause-time content that is associated with the media/music video programs**).

Referring to claim 71, see the rejection of claim 18.

Referring to claim 72, Armstrong discloses displaying an interactive overlay over the media that informs the user of options that are available (**see Figure 4 and Column 11, Line 44 through Column 12, Line 4**).

Referring to claim 73, Armstrong discloses providing rewind, pause, play and fast-forward options to the viewer (**see Column 3, Lines 19-56**).

Referring to claim 74, Inoue discloses that the media is near video-on-demand media (**see the rejection of claim 3**), and resuming play of the near video-on-demand

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media by playing a subsequent feed of the near video-on-demand media (**see Column 6, Lines 38-52 for resuming play from the recorded segment and also Column 6, Lines 53-62 for further resuming play from selecting a subsequent near video-on-demand channel (CH1-CH7)**).

Referring to claim 76, Armstrong discloses providing the user with the ability to personalize the pause-time content (**see Column 5, Lines 33-61 for using the user's personal profile to determine pause-time content**).

Referring to claim 77, Armstrong discloses providing the user the ability to select particular types of pause-time content to be presented by the interactive media application (**see display screen 420 in Figure 4 for presenting different types of pause-time content to display during a pause command**).

Referring to claim 78, Armstrong discloses that the pause-time content is a promotion (**see display screen 420 in Figure for the pause-time content being a promotion for goods or services**).

Referring to claim 79, Armstrong discloses providing the user to prevent particular types of pause-time content to be presented by the interactive media application (**see the rejection of claim 76 and further note that if the demographic profile information and content-related information are used to determine which**

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**pause-time content to display, then other pause-time content stored in the advertisement database is inherently being prevented from being displayed).**

Referring to claim 80, Armstrong discloses providing the user the ability to change the pause-time content that is playing (**see Figure 5 for selecting an object in step 514 and after processing the selected object at step 538, returning to step 512 to wait for another command, which can includes another object selection in step 514, therefore Armstrong selection of an additional pause-time content to display while the primary content stream/television program is paused).**

Referring to claim 81, see the rejection of claim 57.

Referring to claim 82, see the rejection of claims 58 and 59.

Referring to claim 83, Inoue discloses storing the previously recorded media (**see Column 3, Lines 60-65 for storing media transmitted by the near-video on demand system).**

Referring to claim 84, see the rejection of claims 58-59

Referring to claim 85, see the rejection of claims 58-59.

Referring to claim 86, see the rejection of claim 16.

Referring to claim 87, see the rejection of claims 58-59.

Referring to claim 88, see the rejection of claims 58-59.

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Referring to claims 89-90, see the rejection of claim 4-6, respectively.

Referring to claim 92, see the rejection of claim 65.

Referring to claim 93, see the rejection of claim 13.

Referring to claims 94-95, see the rejection of claims 14 and 68, respectively.

Referring to claim 96, see the rejection of claim 11.

Referring to claim 97, see the rejection of claims 58-59.

Referring to claim 98, see the rejection of claims 58-59.

Referring to claims 99-100, see the rejection of claims 48 and 18, respectively.

Referring to claims 101-102, see the rejection of claims 72-73, respectively.

Referring to claim 103, see the rejection of claim 74.

Referring to claim 105, see the rejection of claim 76.

Referring to claims 106-107, see the rejection of claims 23-24, respectively.

Referring to claim 108, see the rejection of claim 79.

Referring to claim 109, see the rejection of claim 26.

Referring to claims 128-129, see the rejection of claim 125.

Claims 75 and 104 are rejected under 35 U.S.C. 103(a) as being unpatentable over Inoue et al. (U.S. Patent No. 5,884,141) in view of Armstrong et al. (U.S. Patent No. 7,017,173) in further view of Banker et al. (U.S. Patent No. 5,357,276).

Referring to claim 75, Inoue and Armstrong disclose all of the limitations in claim 74, but fail to teach displaying information while the near video-on-demand media is

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paused that displays the time remaining until the next feed of the near video-on-demand media will line up with the point at which the near video-on-demand media was paused.

Banker discloses this limitation at Figures 7B and 8, by displaying the information, "Movie Restarts In 9 Minutes" (**also note Column 12, Lines 24-38**).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify display screen after a pause command has been issued, as taught by Inoue and Armstrong, using the overlaid display timer, as taught by Banker, for the purpose of visually informing how much time is left before the program can be restarted (**see Column 12, Lines 35-36 of Banker**) so that the purchased movie can be completely viewed and the user is not improperly charged for the entire movie.

Referring to claim 104, see the rejection of claim 75.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason P. Salce whose telephone number is (571) 272-7301. The examiner can normally be reached on M-F 9am-6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on (571) 272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Primary Examiner, Art Unit 2421

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